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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,233	10/31/2003	Chihaya Adachi	10020/18103	2304
26646 7590 08/05/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER YAMNITZKY, MARIE ROSE	
			ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			08/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,233

Applicant(s)

ADACHI ET AL.

Examiner

Marie R. Yamnitzky

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39, 41-50 and 52-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39, 50, 61-63, 66-69 and 72 is/are rejected.
- 7) ☒ Claim(s) 41-49, 52-60, 64, 65, 70 and 71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 15 April 2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

1. This Office action is in response to applicant's amendment filed April 15, 2009, which adds claims 61-72.

Claims 39, 41-50 and 52-72 are pending.

2. The rejection of claims 39, 41-50 and 52-60 under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement is withdrawn in consideration of applicant's arguments filed April 15, 2009, particularly the arguments bridging pages 9 and 10 of the response.

3. Claims 61-63, 66-69 and 72 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The definition of the phosphorescent dopant material as set forth in claim 61, with claims 62, 63 and 66 dependent therefrom, and as set forth in claim 67, with claims 68, 69 and 72 dependent therefrom, is not fully supported by the original disclosure because these claims do not limit the bidentate ligand X of the L_2MX complex to a "monoanionic" ligand.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 39 and 50 stand rejected under 35 U.S.C.102(b) as being anticipated by Baldo et al. in *Nature*, Vol. 395, pp. 151-154 (September 10, 1998) as evidenced by applicant's arguments filed August 09, 2007, for reasons of record in the Office action mailed November 01, 2007.

6. Applicant's arguments filed April 15, 2009 have been fully considered but they are not persuasive with respect to the rejection of claims 39 and 50 as anticipated by Baldo et al.

Applicant repeats arguments made in previous responses, and presents new arguments directed to values of the triplet energy of PtOEP and Alq₃ as reported by Thompson et al. on page 142 in *Comprehensive Organometallic Chemistry III*, Vol. 12 (2007). While Thompson et al. indicate that the triplet energy of PtOEP is 1.91 eV and the triplet energy of Alq₃ is 1.90 eV, the value for Alq₃ is followed by a notation that refers to documents 363 and 364 as listed in the references (the citations for 363 and 364 are on page 189). These references have been considered by the examiner and are listed on the PTO-892 that accompanies this Office action.

Burrows et al. (document 364) report triplet energy values for Alq₃ of 2.10 ± 0.05 eV (in benzene) and 2.17 ± 0.10 eV (in ethyliodide glass). Burrows et al. further state that triplet-triplet energy transfer from Alq₃ to PtOEP was studied and that the results "confirm the triplet energy transfer reaction to the lower energy ($E_T = 1.92$ eV) porphyrin". See the first column on page 15311 of the Burrows et al. article.

Cölle et al. (document 363) report the triplet energy for α -Alq₃ as 2.11 ± 0.1 eV and the triplet energy for δ -Alq₃ as 2.16 ± 0.1 eV, and state that these values are close to previous estimated and theoretical values of 2 eV, 2.13 eV and 2.17 ± 0.1 eV. See the first full paragraph in the second column on page 6140 of the Cölle et al. article, and see the Summary on page 6141.

The examiner maintains the position that the combination of Alq₃ and PtOEP meet the limitations of the host and dopant, respectively, as required for the device of present claims 39 and 50, and that Baldo's light emitting device having an emissive layer comprising Alq₃ doped with PtOEP meets the limitations of claims 39 and 50.

7. Claims 41-49, 52-60, 64, 65, 70 and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday and Wednesday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

/Marie R. Yamnitzky/
Primary Examiner, Art Unit 1794

MRY
August 02, 2009